

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

WILLIE DALE FOULKS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:09-CV-00047-LMD
)	
JUSTIN DEAN WATSON,)	JURY TRIAL DEMANDED
)	
Defendant.)	

ANSWER

COMES NOW the Defendant, Justin Dean Watson, by and through counsel, Assistant Attorney General Theodore A. Bruce, and, in response to the Plaintiff's Complaint filed in this cause, states:

FIRST DEFENSE

The Plaintiff has failed to state a claim upon which relief can be granted.

SECOND DEFENSE

Any actions taken by the Defendant were discretionary actions taken by the Defendant as an officer and employee of the State of Missouri. The Defendant has, therefore, official immunity from suit. He also did not violate any clearly established law and is entitled to qualified immunity from suit.

THIRD DEFENSE

To the extent that the Plaintiff sues the Defendant in his official capacity, Defendant has immunity under the Eleventh Amendment.

FOURTH DEFENSE

1. Defendant denies the allegations in paragraph 1.
2. Defendant is without sufficient knowledge to form a belief as to the truth of the allegations in paragraph 2.
3. Defendant admits the allegations in paragraphs 3 and 4.
4. Defendant denies the allegations in paragraph 5.
5. Defendant admits the allegations in paragraph 6.
6. Defendant denies the allegations in paragraph 7, except to admit that Plaintiff was driving his vehicle in Ripley County, Missouri, on April 24, 2004.
7. Defendant admits the allegations in paragraphs 8 and 9.
8. Defendant denies the allegations in paragraphs 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and all other allegations of the Plaintiff.

WHEREFORE, the Defendant prays that this Court enter its order dismissing this cause against the Defendant.

Respectfully submitted,

CHRIS KOSTER

Attorney General

/s/ Theodore A. Bruce

THEODORE A. BRUCE

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all counsel of record by electronic means on this 28th day of May, 2009, to:

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